

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39605 of 2025**

Arising Out of PS. Case No.-62 Year-2025 Thana- Cyber P.S. District- Saran

Kunal Kumar Gautam @ Rohit Kumar @ Kunal Kr Hautam @ Kunal
Gautam Son of Shri Awadhesh Singh Resident of village - Dariyapur, Police
Station - Sonepur, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39760 of 2025

Arising Out of PS. Case No.-62 Year-2025 Thana- Cyber P.S. District- Saran

Prakash Yadav @ Prakash Kumar Yadav S/O Anil Yadav R/O Village-
Akilpur, PS- Akilpur, Distt-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39605 of 2025)

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

(In CRIMINAL MISCELLANEOUS No. 39760 of 2025)

For the Petitioner/s : Mr.Nalin Kumar, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd., APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER**

3 13-08-2025

Cr. Misc. No.39605 of 2025

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Cyber
Police Station Case No.62 of 2025 registered for the offence



punishable under Sections 75, 77, 78, 79, 356(2), 352, 351(3), 351(4), 308(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 66(e), 67 of the I.T. Act.

3. The petitioner has disclosed that he has one criminal antecedent beside the present case. The petitioner is an accused in Sonapur P.S. Case No.455 of 2022 under Sections 341, 532, 354(B), 384, 504, 506 of the IPC and Section 67 of the I.T. Act, in which the petitioner claims to be on bail.

4. The case of the prosecution in brief is that the accused petitioner is named in the FIR with an allegation that he has uploaded obscene photos and videos of the sister of the informant on whatsapp of informant and on whatsapp of the other relations from his own whatsapp account. It is further alleged that by doing the petitioner/accused had demanded extortion money and on refusal has threatened to upload more video and pictures of the sister of the informant on social media.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence and he has been falsely implicated in the present case. He also submits that the petitioner is an unsound person and is under medical treatment in Mansik Arogya Sanstha. It is further submitted that the petitioner is in custody since 12.03.2025 and charge sheet



has already been filed against him thereby completing the investigation. He further submits that since investigation has already been completed therefore, prolong custody of the petitioner is not required and hence the petitioner should be granted regular bail.

6. Learned APP opposes the prayer for grant of regular bail.

7. The allegation against the petitioner is of serious nature of uploading obscene photos and videos of the sister of the informant on the whatsapp of the informant, and on whatsapp of his other relations, which is not denied by the petitioner during the course of his submission. The confessional statement of Prakash Yadav and of the petitioner also entrenches the case as alleged in the FIR. Thus, keeping in view the seriousness of the offence alleged against the petitioner, the Court is not inclined to grant bail and hence the bail application is rejected at present.

Cr. Misc. No.39760 of 2025

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Cyber Police Station Case No.62 of 2025 registered for the offence



punishable under Sections 75, 77, 78, 79, 356(2), 352, 351(3), 351(4), 308(2) of the BNS, 2023 and Sections 66E, 67 of the I.T. Act.

3. The learned counsel for the petitioner submits that he has no criminal antecedent.

4. The case of the prosecution in nutshell is that an FIR was registered at the instance of the informant, Rishi Pratap Singh in which it has been alleged that the petitioner/accused has uploaded naked photo of the sister of the informant on Instagram from his Instagram I.D. and demanded extortion money and on refusal he has threatened to upload more videos and pictures of the sister of the informant on social media.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further submits that through trick photography he has been implicated in the present case. Learned counsel further submits that the petitioner has no criminal antecedent and he is in custody since 09.03.2025 and charge sheet against him has already been filed , therefore, his custody is need not required for any further investigation.

6. Learned APP opposes the prayer for grant of regular bail.



7. From perusal of the material available on record, it is found that the accused petitioner is named in the FIR with specific allegation that the petitioner has uploaded naked photos of the sister of informant on Instagram from his Instagram I.D. and demanded extortion money and on refusal threatened to upload more videos and pictures of the sister of the informant on social medial. At paragraph-14 of the case diary, there is confessional statement of the petitioner and there is also a confessional statement of co-accused Kunal Gautam @ Rohit Kumar. In the confessional statement of the petitioner/accused the petitioner has stated that he came in touch with the victim on Instagram and during video call he took half naked and vides and started blackmailing the victim.

8. Considering the serious nature of the offence alleged to have been committed by the petitioner, I am not inclined to grant bail and hence the bail application is rejected.

(Alok Kumar Sinha, J)

Prakash Narayan

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